IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

MACA.No. 457 of 2007()

OPMV.292/2002 of IST ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL, KOLLAM
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APPELLANTR/ PETITIONER:

K.SUGATHAN,
ARAVINDAKSHA MANDIRAM,
AITHOTTUVA,
WEST KALLADA

BY ADV. SRI.B.SURESH KUMAR

RESPONDENTS: RESPONDENTS
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1. R.SAJEEV KUMAR,
   PANAVILAYIL HOUSE,
   VENGA.P.O.,
   MYNAGAPPALLY

2. NATIONAL INSURANCE CO. LTD.
   KOLLAM (KAYAMKULAM BRANCH)

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 26/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC,JJ.

M.A.C.A.NO.457 OF 2007

Dated this the 26th day of March, 2007

JUDGMENT

Raman,J.

Claimant is the appellant herein. He sustained injuries in a motor accident, which took place on 3/4/1998 while walking through the road. Claiming compensation O.P.(MV).No.292/2002 was filed before the Ist Addl. M.A.C.T., Kollam. The Tribunal found that the accident occurred as a result of the negligent driving of the scooter. Though the appellant claimed an amount of Rs.2,30,000/- towards compensation, the Tribunal awarded an amount of Rs.7,000/- towards pain and suffering, Rs.1,000/- towards transportation charges and Rs.8,640/- towards compensation on account of disability totalling to Rs.16,640/-. The appellant/petitioner was also awarded interest at 7.5% per annum on the awarded amount from the date of petition till realisation. Dissatisfied with the quantum awarded this appeal is filed. This is a case where the appellant did not even mount the box to give any evidence in the matter. Except to produce Exts.A1 to A5 no oral evidence whatsoever was adduced in support of the claim. The Doctor was also not examined. The only piece of evidence relevant in

determination of quantum of compensation is Ext.A5, which is an accident-cum-wound certificate. Though the Doctor was not examined, the Tribunal has placed reliance thereon and awarded compensation. Even though it is contended that there is a fracture of right femur, the Tribunal has awarded compensation for pain and suffering and for disability. It is not shown before us that the compensation awarded is not reasonable or that the appellant is entitled for more amount by way of compensation. We find no merit in this appeal. It is accordingly dismissed.

P.R.RAMAN,
Judge.

ANTONY DOMINIC,
Judge.

kcv.